

Decision **PROPOSED DECISION OF ALJ RYERSON** (Mailed 5/8/2006)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation for the purpose of establishing a list for the fiscal years 2006-2007 and 2007-2008 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects affecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.

Investigation 05-07-016
(Filed July 21, 2005)

(See Appendix A for List of Appearances)

**INTERIM OPINION ESTABLISHING PRIORITY LIST
FOR 2006 – 2007 FISCAL YEAR****Summary**

This Interim Order adopts the California Grade Separation Priority List for Fiscal Year 2006-2007, as required by Streets and Highways Code (Code) section 2452. We order Investigation 05-07-016 to remain open until we issue our final order adopting the Grade Separation Priority List for Fiscal Year 2007-2008.

Background and Procedural History

We initiated this investigation on July 21, 2005, to create the state's Grade Separation Program Priority List for Fiscal Years 2006-2007 and 2007-2008. The list, which is newly created every two years, establishes the relative priorities for funding qualified projects to eliminate or alter hazardous railroad crossings

under the program. Projects for construction of new grade separations, alteration of existing grade separations, or elimination of grade crossings by removal or relocation of streets or railroad tracks are included in the list.

Section 190 of the Code requires the state to include in its annual budget \$15 million for funding these projects. Section 2450 *et seq.* sets out the procedure for administering these funds. Section 2453 gives the California Transportation Commission (CTC) responsibility for allocating (i.e., distributing) the funds to qualified projects after the list is established. Section 2452 requires this Commission to establish the priority list for projects by July 1 of each year and furnish it to the CTC for use in the fiscal year beginning on that date. The procedure we have adopted is to promulgate the list for the first fiscal year in an interim decision, and then to revise the list for the next fiscal year by deleting projects that receive fund allocations in the first year. We adopt the revised list in a final decision in the second year of the proceeding, close that proceeding, and initiate the funding cycle again the following year in a new proceeding.

The current investigation commenced July 21, 2005, with issuance of the Commission's Order Instituting Investigation (OII).

In accordance with the OII, the Commission's Consumer Protection & Safety Division (CPSD) mailed written notification to railroads, light rail transit agencies, cities, counties, and other interested parties of the deadline to file a nomination for each grade separation project they sought to have us include in the current priority list.

We received 74 nominations for projects to be included in the current priority list, including two that the administrative law judge (ALJ) allowed to be filed after the deadline. After analyzing each nominated project, CPSD issued its

report and preliminary priority list on January 10, 2006. CPSD determined that 71 nominations satisfied the qualification criteria for consideration.

No prehearing conference was held in this matter, because there were no unusual or disputed issues. The ALJ 's Prehearing Ruling set hearings in San Francisco and Los Angeles following the deadline for issuance of CPSD's report, and they were respectively conducted on February 22 and 23, and March 1 and 2. The principal purpose of the hearings was to make corrections and additions to the nominations, and to permit clarifications to be made at the request of CPSD or any nominating party. Following the hearing the ALJ kept the record open until March 10, 2006, in order to permit information augmenting or correcting certain of the nominations to be filed. The record was closed and the proceeding was submitted as of that date.

Based upon the evidence received at the hearings and before the submission date, CPSD revised the preliminary priority list in accordance with the methodology specified in the OII. The final list, as generated by CPSD, is adopted without revision, and is included as Appendix B to this decision. The decision is to be adopted no later than July 1, 2006, pursuant to Code section 2452.

Categorization and Need for Hearing

Under Rule 6.1, on July 21, 2005, the Commission preliminarily categorized this proceeding as quasi-legislative as defined in Rule 5(d) and determined that there is no need for hearing. We affirm the preliminary categorization of quasi-legislative and change the hearing determination from a No to a Yes.

Comments on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Section 311(d) of the Public Utilities Code and Rule 77.1 of the Rules of Practice and Procedure. No comments were received.

Assignment of Proceeding

Dian M. Gruenich is the Assigned Commissioner, and Victor D. Ryerson is the assigned ALJ, in this proceeding.

Findings of Fact

1. Written notification of the opportunity to submit nominations for separation or elimination of existing or proposed railroad grade crossings pursuant to Streets and Highways Code section 2451 was given to railroads, light rail transit agencies, cities, counties, and others on the service list compiled at the conclusion of the previous Grade Separation Priority List proceeding, and the notice advised them of the deadline to file a nomination for each grade separation project they sought to include in the Fiscal Year 2006-2007 priority list.

2. The methodology utilized by CPSD to rank the nominations for Fiscal Year 2006-2007 in priority order is that which we adopted in I.01-07-008.

3. In relying upon the adopted list CTC will be required to allocate funds in priority order to the qualified project highest on the list, then to the next highest, and so forth down the list in priority order until all of the funds for the initial fiscal year are exhausted. Remaining qualified projects will be funded in the same manner for Fiscal Year 2007-2008, after projects that receive allocations in Fiscal Year 2006-2007 are deleted.

4. The Grade Separation Priority List attached as Appendix B to this decision consists of projects that were timely nominated, properly supported with information that has been received for the record, and organized in priority order

by CPSD in accordance with the methodology the Commission has adopted for this proceeding.

Conclusions of Law

1. Appendix B should be adopted by our Interim Order as the Fiscal Year 2006-2007 Grade Separation Priority List in this proceeding.
2. The effective date of the Interim Order must be no later than June 30, 2006, in order to comply with the deadline mandated by Streets and Highways Code section 2452.
3. This proceeding should remain open for the purpose of creating the Fiscal Year 2007-2008 Grade Separation Priority List.

INTERIM ORDER

IT IS ORDERED that:

1. Pursuant to California Streets and Highways Code section 2452 the Grade Separation Priority List attached as Appendix B hereto is established for Fiscal Year 2006-2007 as the list, in order of priority, of projects the Commission determines to be most urgently in need of separation or alteration.
2. The Executive Director shall furnish a certified copy of this decision to the California Department of Transportation and the California Transportation Commission by not later than July 1, 2006.
3. This proceeding shall remain open for the purpose of creating the Fiscal Year 2007-2008 Grade Separation Priority List.

This order is effective today.

Dated _____, at San Francisco, California.

Appendix A

Appearances

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**Appearances
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(End Appendix A

Appendix B**Priority List for Fiscal Years 2006-2007 by Rank (Page 1 of 6)**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
1	City of Santa Fe Springs	Rosecrans Ave/Marquardt Ave	2-157.8	027656A	BNSF	30,506	133	0	5,000	23	4	3	4	10.8	10	7.0	38.8	19,513.8
2	City of Santa Fe Springs	Valley View Avenue	2-158.4	027657G	BNSF	44,121	133	0	5,000	7	3	3	4	11.4	10	13.0	44.4	9,433.3
3	City of Santa Fe Springs	Norwalk Blvd/Los Nietos Rd	BBJ-497.28 & 2-153.1	027649P & 027650J	BNSF	34,177	133	0	10,000	9	3	3	4	23.8	10	9.0	52.8	4,598.3
4	City of Riverside	Third Street	2B-9.5 & 001BJ-545.8	026480N & 747081T	BNSF/U PRR	26,680	107	0	5,000	6	4	0	3	18.3	5	4.5	34.8	4,031.5
5	City of Pico Rivera	Passons Blvd & Serapis Avenue	2-151.45 & 2-151.3	027643Y & 027644F	BNSF	19,800	124	0	10,000	13	3	0	6	23.2	8	8.0	48.2	3,485.5
6	City of Riverside	Chicago Avenue	2B-8.1	026476Y	BNSF	11,549	103	0	5,000	9	4	3	4	11.2	5	5.5	32.7	2,411.8
7	City of Montclair	Monte Vista Avenue	B-517.4 & 3-35.0	746936L & 810896P	UPRR	13,563	101	0	5,000	6	5	2	5	20.0	5	5.0	42.0	1,959.8
8	City of Ontario	Miliken Avenue	B-525.4	746964P	UPRR	31,949	42	0	5,000	6	2	3	4	6.0	1	9.0	25.0	1,903.6
9	City of San Bruno	San Bruno Avenue	105E-11.0 105E-11.1 105E-11.4	754869P 754870J 754871R	PCJPB	25,365	98	0	10,000	6	2	0	5	31.2	10	7.0	55.2	1,795.2
10	Los Angeles County DPW	Nogales Street	3-22.4	811479J	UPRR	43,678	50	0	5,000	2	2	1	5	10.3	4	13.0	35.3	1,345.7
11	San Bernardino Associated Governments	University Parkway	2-76.6	026106V	BNSF	16,695	96	0	5,000	3	5	3	4	11.0	1	8.0	32.0	1,314.2
12	San Joaquin County	West Lane	D-92.8	752897L	UPRR	25,700	28	0	5,000	7	2	1	2	8.8	1	10.0	24.8	1,176.2
13	City of Irvine	Sand Canyon Ave	101OR-182.9	026765A	SCRRA	26,984	67	0	5,000	2	2	4	7	9.0	8	11.0	41.0	1,125.8
14	City of Riverside	Madison Street	2B-13.70	026501E	BNSF	13,806	77	0	5,000	4	3	1	4	8.3	5	6.5	27.8	1,090.8

Appendix B**Priority List for Fiscal Years 2006-2007 by Rank (Page 2 of 6)**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	COST Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
15	Los Angeles County DPW	Fairway Drive	3-23.4	810883N	UPRR	32,062	50	0	5,000	2	2	2	5	9.5	4	10.5	33.0	994.8
16	City of South San Francisco	South Linden Avenue Scott Street	105E-10.2 105E-10.6	754866U 754867B	PCJPB	11,630	98	0	5,000	3	2	0	4	21.0	10	6.0	43.0	954.8
17	Greater Bakersfield Separation of Grade District	Morning Drive	B-317.50	757413M	UPRR	13,062	40	0	5,000	7	2	3	5	9.7		6.5	26.2	862.1
18	City of Los Angeles	North Main Street	101VY-1.17 & 101RI-481.7	027607D & 811040M	SCRRA	13,763	93	0	5,000	2	5	1	0	21.5	9	10.5	47.0	815.0
19	City of Riverside	Iowa Avenue	2B-7.3	026472 W	BNSF	15,715	105	0	5,000	1	4	3	4	10.2	5	4.0	30.2	690.2
20	City of Riverside	Riverside Avenue	3-55.6	811012J	UPRR	13,680	47	0	5,000	4	3	0	4	11.1	4	5.0	27.1	670.0
21	City of Riverside	Columbia Avenue	2B-7.9	026475S	BNSF	10,118	105	0	5,000	2	3	3	4	7.4	5	4.5	26.9	664.3
22	City of Riverside	Tyler Street	2B-17.4	026512S	BNSF	13,396	77	0	5,000	2	3	1	4	9.5	5	6.0	28.5	647.4
23	Madera County	Avenue 12	2-1015.10	028601R	BNSF	10,932	57	0	7,560	6	1	5	5	5.2	4	8.5	28.7	605.6
24	Los Angeles County DPW	El Segundo Blvd.	BBH-492.6 & 84L-10.4	747868R & 747868R	UPRR/L ACMTA	16,875	8	252	5,000	4	3	1	2	12.0	10	12.0	40.0	600.2
25	Alameda Corridor-East Construction Authority	Brea Canyon Road	3-24.9	810886J	UPRR	17,200	50	0	5,000	2	2	2	5	9.0	4	4.0	26.0	542.0
26	Kern County	7th Standard Road	B-305.9	756949P	UPRR	14,595	25	0	5,000	6	1	5	4	7.7		8.5	26.2	537.0
27	City of San Mateo	Poplar Avenue* Santa Inez Avenue* Monte Diablo Avenue* Tilton Avenue*	105E-17.2B 105E-17.3B 105E-17.4B 105E-17.5B	754896L 754897T 754898A 754899G	PCJPB	18,558	98	0	5,000	24	38	2	3.1	30.0	29	32.0	164.1	527.8
28	City of Lathrop	Lathrop Road	D-82.1	752781K	UPRR	12,741	32	0	5,000	5	4	1	4	11.0	2	6.5	28.5	517.8

Appendix B**Priority List for Fiscal Years 2006-2007 by Rank (Page 3 of 6)**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TR N	LTR N	COST Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
29	San Bernardino Associated Governments	Hunts Lane	B-541.0	747168J	UPRR	11,725	52	0	5,000	3	4	3	3	8.0	1	5.5	24.5	512.3
30	City of Riverside	Streeter Avenue	3-53.8	811008U	UPRR	12,658	47	0	5,000	3	3	1	4	12.0	4	6.5	30.5	506.4
31	City of Riverside	Adams Street	2B-14.8	026503T	BNSF	14,888	79	0	5,000	1	3	2	4	9.3	5	6.5	29.8	500.2
32	City of Riverside	Brockton Avenue	3-55.0	811010V	UPRR	14,043	47	0	5,000	2	3	2	4	9.0	4	5.0	27.0	423.0
33	Port of Los Angeles	Fries Avenue	BG-503.5 & BG-503.45	747735Y & 747734S	PHL	9,954	64	0	5,000	2	4	1	0	12.9		4.0	21.9	404.1
34	City of Palmdale	Rancho Vista Blvd.	001 B-412.20 & 101 VY-69.93	750643P	UPRR/S CRRA	31,206	33	0	20,000	6	1	4	5	7.2	4	8.5	29.7	390.2
35	City of Los Angeles	North Spring Street*	101VY-1.36A & 101EB-481.48A	027606W & 811042B	SCRRA	18,829	93	0	5,000	10	0	5	0.2	4.0	5	7.0	31.2	381.4
36	City of Bakersfield	Baker-Truxtun-Beale	Consolidation 2-885.6 2-885.75 2-885.77 2-885.95 2-886.2 2-886.4	028281T 028283G 028284N 028285V 028288R 028289X	BNSF	22,118	50	0	15,000	3	3	3	0	57.9		5.5	69.4	364.3
37	Los Angeles County DPW	Turnbull Canyon Road	3-17.2	810867E	UPRR	14,924	50	0	5,000	1	4	1	5	10.6	4	6.5	31.1	329.5
38	Los Angeles County DPW	Avenue S	101VY-66.92	750601D	SCRRA	26,032	27	0	5,000	1	1	5	3	8.0	4	10.0	27.0	308.1
39	City of San Francisco	Jerrold Avenue\Quint Street*	105E-2.8B & 105E-3.0B	754761F & 754762M	PCJPB	11,700	98	0	5,000	10	12	2	0.1	16.0	12	16.0	70.1	299.4
40	City of Los Angeles	Valley Blvd./Vineburn Ave.	B-485.8 B-484.75	746859N 74687U	UPRR	25,467	40	0	20,000	4	4	2	1	20.6	1	13.0	41.6	296.2

Appendix B**Priority List for Fiscal Years 2006-2007 by Rank (Page 4 of 6)**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TR N	LTR N	COST Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
41	City of Riverside	Jane Street	2B-12.70	026498Y	BNSF	3,225	79	0	960	0	3	1	4	8.2	5	5.0	26.2	291.6
42	City of Ontario	Grove Avenue*	B-521.40B	746956X	UPRR	28,270	42	0	5,000	6	4	0	4.4	3.0	2	2.0	21.4	258.9
43	City of Riverside	Magnolia Avenue	3-55.2	811011C	UPRR	23,418	47	0	5,000	0	3	1	4	9.1	4	7.0	28.1	248.2
44	City of Riverside	Mary Street	2B-13.0	026499F	BNSF	11,865	79	0	5,000	0	3	2	4	9.3	5	6.0	29.3	216.7
45	Kern County	Olive Drive	B-308.9	756945M	UPRR	18,965	25	0	5,000	1	2	3	4	8.8		8.0	25.8	215.5
46	City of Bakersfield	El Toro Viejo Road	2-892.0	Proposed	BNSF	10,045	62	0	3,312	0	3	3	6	3.0	4	4.5	23.5	211.5
47	City of Merced	G Street	002-1055.7	028669E	BNSF	30,920	55	0	10,000	0	3	1	6	9.0	4	11.0	34.0	204.1
48	City of Elk Grove	Grant Line Road	001D-121.0	752746W	UPRR	15,091	15	0	5,000	3	1	5	4	2.1	2	7.5	21.6	202.7
49	Kern County	Hageman Road (2-895.2)	2-895.2	028376B	BNSF	13,606	62	0	5,000	0	2	5	6	8.7	4	5.0	30.7	199.4
50	City of Rocklin	Midas Avenue	001AI-110.9 & 001A-110.9	750568F & 750569M	UPRR	19,728	20	0	2,250	0	2	0	0	12.8	1	4.0	19.8	195.2
51	City of Newark	Central Avenue	001L-31.10	749943G	UPRR	10,044	40	0	5,000	1	3	2	4	9.1	4	6.5	28.6	189.3
52	Los Angeles County DPW	Sierra Hwy/Barrel Springs Rd	101VY-65.58 & 101VY-65.77	750600W & 750644W	SCRRA	8,507	23	0	5,000	3	1	3	5	10.4	4	5.0	28.4	184.9
53	City of Camarillo	Adolfo Road	E-417.9	753765E	UPRR	17,046	41	0	5,000	0	1	2	4	7.0	4	7.0	25.0	164.8
54	City of Camarillo	Las Posas-Upland Road	E-415.52	912013V	UPRR	15,046	41	0	5,000	0	1	3	4	7.0	4	5.0	24.0	147.4
55	Kern County	Kratzmeyer Road	2-897.33	028380R	BNSF	1,573	62	0	5,000	3.6	1	5	6	18.6	4	7.0	41.6	131.3
56	City of Riverside	Palm Avenue	3-54.8	811009B	UPRR	10,754	47	0	5,000	0	2	1	4	9.0	4	3.0	23.0	124.1
57	Kern County	Reina Road Renfro Road Jenkins Road	2-896.6	028379W	BNSF	2,001	57	0	5,000	3	2	5	6	7.8	4	3.5	28.3	119.5

Appendix B**Priority List for Fiscal Years 2006-2007 by Rank (Page 5 of 6)**

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TR N	LTR N	COST Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
58	Kern County	Snow Road	B-307.4	756948H	UPRR	16,424	23	0	5,000	0	1	5	4	8.0		4.5	22.5	98.0
59	City of Fremont	Warren Avenue	DA-36.2 & 4G-6.7	750073E& 833885S	UPRR/V TA	8,305	31	0	5,000	0	3	1	1	13.0		7.0	25.0	76.5
60	City of Fremont	Paseo Padre Pkwy, High St, Main St, Washington Blvd	Consolidation DA-32.1&4G- 2.6,SA- 32.65,DA- 32.7,DA- 32.8&4G-3.2	750056N &833878 G,750057 V,750058 C,750059 J&833879 N,	UPRR/V TA	55,696	9	0	20,000	0	2	1	1	30.1		9.0	43.1	68.1
61	City of Stockton	Eight Mile Road	001D-98.1	752904U	UPRR	11,200	19	0	5,000	0	1	3	5	3.5	0	3.0	15.5	58.1
62	City of Stockton	Lt. Colonel Mark Taylor Street	Proposed	Proposed	UPRR	11,200	19	0	5,000	0	1	3	5	1.5	0	3.0	13.5	56.1
63	City of Bakersfield	Rosedale Highway	2Q-113.2	029473N	SJVR	52,506	2	0	5,000	0	1	2	0	3.0	0	11.0	17.0	38.0
64	City of El Paso de Robles	Pine Street*	E-216.59B	752057C	UPRR	1,800	5	0	5,000	6	4	5	0	4.0	5	10.0	34.0	35.8
65	Kern County	Hageman Road (2- 111.6)	2-111.6	Proposed	BNSF	20,080	2	0	3,334	0	1	5	0	4.2	4	7.0	21.2	33.2
66	City of Vista	Vista Village Drive, Main Street	106E-9.15 & 106E-9.2	917847T & 027566B	NCTD	45,646	1	0	20,000	0	1	2	0	14.3		10.0	27.3	29.6
67	City of Vista	Escondido Avenue	106E-10.1	027569W	NCTD	41,008	1	0	5,000	0	1	1	0	8.6		7.0	17.6	25.8
68	City of Vista	N. Melrose Drive	106E-7.5	026993M	NCTD	33,270	1	0	5,000	0	1	3	0	9.0		6.0	19.0	25.6
69	City of Vista	Olive Avenue	Proposed	Proposed	NCTD	42,845	1	0	7,500	0	1	1	0	9.5		3.0	14.5	20.2
70	City of Vista	Mar Vista Drive	106E-11.2	027570R	NCTD	5,739	1	0	5,000	0	1	1	0	7.9		3.0	12.9	14.0

Priority List for Fiscal Years 2006-2007 by Rank (Page 6 of 6)

Note: VEH- Vehicle, TRN – Train, LTRN – Light Rail Trains, COST Share – Project Cost Share (a cost of more than \$5 million is permitted for qualified projects per S&H Code Section 2454 (h) for multi-year funding)

Formula For Crossing Nominated For Separation Or Elimination:

AH – Accident History

BD – Crossing Blocking Delay

VS – Vehicular Speed Limit

RS – Rail Speed Limit

CG – Crossing Geometrics

PT – Passenger trains

SCF- Special Conditions Factor

OF-Other Factors (Passenger Buses, School Buses, Hazmat Trains/Trucks, Community Impact)

**Formula For Existing Separations Nominated For Alteration or Reconstruction:*

WC – Width Clearance

HC- Height Clearance

SR – Speed Reduction

AS – Accidents Near Structure

POF – Probability of Failure

AP – Accident Potential

DE – Delay Effects

SF - Separation Factor

Railroad Abbreviations:

BNSF: BNSF Railway Company

LACMTA: Los Angeles County Metropolitan Transportation Authority

NCTD: North County Transit Development Board (San Diego)

PCJPB: Peninsula Corridor Joint Powers Board (Caltrain)

PHL: Pacific Harbor Line

SCRRA: Southern California Regional Rail Authority (Metrolink)

SJVR: San Joaquin Valley Railroad

UPRR: Union Pacific Railroad Company

VTa: Santa Clara Valley Transportation Authority

(End Appendix B)